

Samuel M. Kaauwai III
U.S.M.#89783-022
(FDC) Unit 5-a
P.O. Box 30080
Honolulu, HI. 96820

November 12, 2006

MR. Clayton Kimoto
Attorney at Law
733 Bishop St. Suite 2302
Honolulu HI. 96813

My name is Samuel M. Kaauwai III, I am a native Hawaiian. I've been charged with being a "felon in possession of a firearm" (that I never possessed), I'm asking the court to grant my motion to withdraw my guilty plea based on a claim of ineffective assistance of counsel, which in my opinion is the most obvious and severe case of ineffectiveness in Hawaii history.

I've written letters to the court and my attorney expressing my wishes to withdraw to no avail. Why is it so hard to afford me my Constitutional right to a jury trial ? I am claiming that my previous counsel was grossly ineffective in investigation; strategy and preparation; he failed to move to suppress evidence; he failed to pursue exculpatory evidence; he failed to provide good advice; he failed to subject prosecutions, (malicious and fictitious) case to a meaningful adversarial testing; he failed to be competent, prompt and diligent, and was at no time prepared within a requisite range of competence.

My previous counsel's only advice and instructions to me was that there are "Four" witnesses against me, I'm a convicted felon and if I don't plead guilty the prosecutor is going to give me "15 to life". Not once did he want to hear my version, let alone advocate my theory of my case. The only thing he did was intimidate and coerce me. His only focus was to get me to plead guilty, no matter what. He scared me to death which is exactly why I plead out. I'm no longer afraid, now that I realize that I do have certain rights. He was very unethical, unprofessional and ineffective.

A defendant has the right to expect counsel (past and present) to use every skill, expand every energy in exercise of independent professional judgement on my behalf and undertaking

EXHIBIT A

EXHIBIT "0"

representation, Frazier v. United States, 18 F. 3d 778, 779 (9th Cir. 1994); U.S.C.A. Const. Amend. 6.-; Thomas v. Miunicipal Court, 875 F.2d 285, 289 (9th Cir. 1989).

Counsel owes a defendant , duty of loyalty, unhindered by the State or by counsel's Constitutionally deficient performance.

In closing, i'd like to emphasize that counsels failure to file a motion to suppress evidence provides the basis for a claim of ineffectiveness, but inorder to show prejudice the defendant must show that he would have prevailed on the suppression motion, and that there is reasonable probability that the successful motion would have affected the outcome, Van-tran v. Lindsey, 212 F.3d 1143, 1145 (9th Cir. 2000).

Based on the above statements I've made, I pray that the courts will conduct an inquiry sufficient to determine the truth and scope of my allegations and grant this motion to withdraw my plea. I Thank You for your time !!

SINCERELY,

Samuel M. Kaunwai III

#89783022

11.12.06

Case 1:03-cr-00248-DAE Document 66-6 Filed 11/17/2006 Page 1 of 1

Samuel M. Kaauwai III
U.S.M.#89783-022
(FDC) Unit 5-a
P.O. Box 30080
Honolulu, HI. 96820

October 21, 2006

United States District Court
District of Hawaii
Honorable David Alan Ezra
300 Ala Moanna Blvd.
Honolulu, HI. 96812

RE: USA v. Kaauwai, CR.NO. 03-00248 DAE -01

Dear Honorable Judge Ezra,

My name is Samuel M. Kaauwai III, please excuse the direct approach. I am writing to inform you of what is happening in my case, and to ask you for your assistance.

I've been here at F.D.C. for approximately Four (4) years, on a writ stemming from a 2° robbery, (State charge that has been dismissed), which evolved into a federal charge of being a felon in possession of a fire arm, "that I never possessed".

Prior to my incarceration, I had a Tenth (10) grade education and did not comprehend Federal court procedures, Constitutional rights, elements of a crime, motions to suppress, ineffective counsel, and my right to a jury trial.

The little that I have learned, by studying has opened my eyes to what is really going on in my case. I hate to make such drastic implications, but something is definitely wrong.

I just can't understand how my two (2) previous attorney's both college educated, graduates from law school, and passed the Hawaii State bar exam can flat out fail to provide effective assistance of counsel. There has to be an explanation other than incompetence. Once again, I believe, that an educated attorney cannot be incompetent. Either he provides effective counsel or he sells you out to the prosecution, by being "ineffective", which is exactly what is happening in my case !

Sir, for the reasons I've stated above, I pray that you will (1) conduct an inquiry sufficient to determine the truth and scope of my allegations (2) Allow me to withdraw my guilty plea, and (3) afford me my Constitutional right to a jury trial.

I THANK YOU VERY MUCH FOR YOUR TIME !! RESPECTFULLY SUBMITTED.

SINCERELY,

Samuel M. Kaauwai III
Samuel Kaauwai #89783-022

EXHIBIT C

89783022